

Message Text

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TO AMCONSUL HONG KONG

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E.O. 11652: N/A

TAGS: ETRD

SUBJECT: SITC INVESTIGATION INTO POSSIBLE UNFAIR COMPETITION IN THE IMPORTATION AND SALE OF CERTAIN EXERCISING DEVICES.

1. THE U.S. INTERNATIONAL TRADE COMMISSION (USITC) IS CONDUCTING AN INVESTIGATION IN RESPONSE TO A COMPLAINT FILED ON BEHALF OF RAINBOW LIFEGARD PRODUCTS, INC., OF EL MONTE, CALIFORNIA, ALLEGING THAT THE IMPORTATION AND SALE IN THE UNITED STATES OF CERTAIN EXERCISING DEVICES CONSTITUTE UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS WITHIN THE MEANING OF SECTION 337 OF THE TARIFF ACT OF 1930, BY REASON OF SUCH ARTICLES BEING COVERED BY CERTAIN CLAIMS OF U.S. PATENT NO. 3,743,280. THE COMPLAINANT REQUESTS THAT THE IMPORTS IN QUESTION BE EXCLUDED FROM ENTRY INTO THE UNITED STATES.

2. THE EXERCISING DEVICE WHICH IS THE SUBJECT OF THE INVESTIGATION CONSISTS OF (1) A PAIR OF CORDS OF EQUAL

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LENGTH, EACH CORD BEING CONNECTED TO A HANDLE AT EACH END,

AND (2) A SHUTTLE ASSEMBLY, GENERALLY OF ELLIPSOIDAL FORM, HAVING A STRAIGHT HOLE THROUGHOUT ITS FULL LENGTH. THE CORDS ARE FREELY SLIDABLE THROUGH THE HOLE. THE DEVICE

IS OPERATED BY TWO PERSONS, STANDING SOME DISTANCE APART, HOLDING THE CORDS STRETCHED TAUTLY BETWEEN THEM AND PROPELLING THE SHUTTLE BACK AND FORTH BY ALTERNATELY RAPIDLY MOVING THE HANDLES APART AND THEN BRINGING THEM TOGETHER.

3. THE SUPPLIER TO ONE OR MORE RESPONDENTS NAMED IN THE COMPLAINT HAS BEEN RONALD TRADING CO., LTD., 18 FENWICK STR. - 5TH FLOOR, HONG KONG. THE PROPRIETARY NAME OF THE DEVICE SOLD BY RONALD IS "SPEED BALL." IT IS UNDERSTOOD THAT THE "SPEED BALL" DEVICE IS MANUFACTURED BY PO SING INDUSTRIAL CO., 330 KWUN TONG ROAD, KOWLOON, AND POSSIBLE ALSO BY OTHER FIRMS.

4. THE USITC REQUESTS THE CONSULATE TO CONTACT RONALD TRADING CO., PO SING INDUSTRIAL CO. AND ANY OTHER PRODUCERS WHICH CAN BE IDENTIFIED FOR THE PURPOSE OF OBTAINING ANSWERS TO AS MANY OF THE QUESTIONS LISTED BELOW AS POSSIBLE. THE RESPONSES SHOULD BE PROVIDED ON THE FIRM'S LETTERHEAD, AND NOTARIZED IF POSSIBLE. RESPONSES MAY BE TRANSMITTED THROUGH THE CONSULATE OR DIRECTLY TO THE USITC BY AIR MAIL ADDRESSED TO MR. CHARLES SCHILL, INVESTIGATIVE ATTORNEY, U.S. INTERNATIONAL TRADE COMMISSION, 701 E STREET, N.W., WASHINGTON, D.C. 20436. INFORMATION WHICH THE FIRMS CONSIDER TO BE CONFIDENTIAL SHOULD BE SO INDICATED AND WILL BE HANDLED ACCORDINGLY.

5. THE QUESTIONS ARE AS FOLLOWS:

1. WHAT ARE THE NAMES AND ADDRESSES OF COMPANIES IN HONG KONG THAT MANUFACTURE "SPEED BALL" DEVICES OR "SPEED BALL"-LIKE DEVICES (I.E., DEVICES WHICH ARE VIRTUALLY IDENTICAL IN STRUCTURE TO THE "SPEED BALL," WITHOUT CONSIDERING SIZE, COLOR, OR MATERIAL)?

2. WHICH COMPANY OR COMPANIES SELL THESE DEVICES TO OR UNCLASSIFIED

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THROUGH RONALD TRADING COMPANY:

3. IS THERE A HONG KONG PATENT, IN ADDITION TO PATENT REGN. 518 OF 1975, COVERING "SPEED BALL"? IF SO, WHAT ARE ITS NUMBER AND TITLE, AND WHO OWNS THE PATENT?

4. MAKING ALLOWANCE FOR "DOWN-TIME" FOR REPAIRS, MAINTENANCE, ETC., WHAT IS THE ANNUAL CAPACITY OF THE FIRM

TO PRODUCE "SPEED BALL" AND "SPEED BALL"-LIKE DEVICES?

5. IN CALCULATING CAPACITY, WHAT AVERAGE NUMBER OF SHIFTS PER DAY, DAYS PER WEEK, AND WEEKS PER YEAR WORKED, WERE USED?

6. IN EACH OF THE PERIODS JANUARY-JUNE 1975, JANUARY-DECEMBER 1975, AND JANUARY-JUNE 1976, WHAT ARE THE QUANTITY AND F.O.B.-HONG KONG NET SALES VALUE OF "SPEED BALL" AND "SPEED BALL"-LIKE DEVICES THAT THE FIRM SOLD TO (1) ALL CUSTOMERS, (2) U.S. IMPORTERS, AND (3) IMPORTERS IN OTHER COUNTRIES? (REPORT SEPARATE DATA FOR EACH OF THE THREE GROUPS.)

7. AS OF JUNE 30, 1976, WHAT WERE THE QUANTITY AND F.O.B.-HONG KONG VALUE OF UNFILLED ORDERS ON THE FIRM'S BOOKS FOR "SPEED BALL" AND "SPEED BALL"-LIKE DEVICES TO BE EXPORTED TO THE UNITED STATES (INCLUDING PUERTO RICO)?

8. WHAT ARE THE NAMES AND ADDRESSES OF ALL IMPORTERS IN THE UNITED STATES (INCLUDING PUERTO RICO) TO WHOM THE FIRM HAS SOLD, OR EXPECTS TO SELL "SPEED BALL" OR "SPEED BALL"-LIKE DEVICES?

9. DOES THE FIRM, OR AN AFFILIATED COMPANY, HAVE A SALES OFFICE OR SALES AGENT IN THE UNITED STATES (INCLUDING PUERTO RICO)? IF SO, PLEASE FURNISH THE NAME OF THE MANAGER AND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OFFICE OR AGENCY.

6. THE USITC REQUESTS THAT THE RESPONSES BE RETURNED AS SOON AS POSSIBLE BUT NOT LATER THAN SEPTEMBER 24. THE CONSULATE SHOULD CONVEY TO ALL RESPONDENTS THE USITC'S UNCLASSIFIED

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APPRECIATION FOR THEIR COOPERATION IN THE CONDUCT OF THIS INVESTIGATION. ROBINSON

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